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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,721	06/29/2000	Gordon C. Cheng	CC8128-DRIB	7493

7590 05/12/2003  
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EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 05/12/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 09/606,721	Applicant(s) CHENG ET AL.	
	Examiner Jamisue A. Webb	Art Unit 3761	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☒ Newly proposed or amended claim(s) 22 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

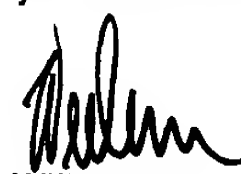
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 22.

Claim(s) rejected: 1,2,4-8,10,11,19,22,26,35-38,43,45-49,56,79-85,91-94 and 97.

Claim(s) withdrawn from consideration: 3,9,12-18,20,21,23-25,27-34,39-42,44,50-55,57-78,86-90,95 and 96.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: Comment regarding IDS filed 2/20/03

  
**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**

Continuation of 2. NOTE: The applicant has added Claim 98, which is a new claim which would cause further search and consideration. Even though similar material has been claimed before, this limitation has never been considered solely with claim 1, which would mean a further search for the broader concept..

Continuation of 5. does NOT place the application in condition for allowance because: With respect to 112 1st paragraph, new matter rejection. Even though cotton is a cellulose product, the term cellulose is a much broader term, encompassing many more things besides cotton (for example wood pulp). Therefore, by changing the term cotton, to cellulose would significantly broaden out the claim and would encompass a whole category of fibers, which were never disclosed originally. However, applicant's after final amendment of the claims, if allowed to be entered would moot this argument, since applicant deletes what is considered new matter.

With respect to Applicant's arguments that the election of some claims should be withdrawn: even though the general concept for these claims may be present in the selected figure, the specifics (of which the claims are drawn to), are not shown in the elected figures, instead are shown in non-elected figures. Therefore election stands.

With respect to Applicant's argument that Holland does not possess a storage means: See reference numeral 31. The applicant also argues that Holland does not disclose the wicking member moving fluid counter-gravitationally, Holland only describes moving the fluid using gravity. However, as stated in the previous advisory action, fibrous absorbents inherently have a wicking motion and are fully capable of wicking fluid counter-gravitationally, and even though it may not be the intended use, the wicking member of Holland is fully capable of moving urine countergravitationally, therefore rejections stand as stated in the Final office action..

Art Unit: 3761

***Information Disclosure Statement***

1. For an IDS to be considered after final, it must include both the petition fee AND the certification statement as specified in 37 CFR 1.17(e)&(p). The information disclosure statement filed 2/20/03 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p) and lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.